

line 5). Thus, Nepela discloses a side gap thickness 16, 18 that is no more and no less than 25% of the central gap thickness 14. Nepela is completely silent as to additional embodiments having gap thicknesses different than a side gap thickness that is 25% of the central gap thickness. Thus, Nepela clearly fails to disclose top and bottom magnetic poles separated by first and second nonmagnetic gap layers defining first and second distances between the poles, wherein the "second distance is greater than 25% and less than 100% of the first distance," as required by claim 1. Therefore, Nepela is not a proper §102 reference to anticipate claim 1.

With regard to claims 5, 6, 9, 11, 12, and 16 – 18, such claims depend from claim 1 and include the limitations thereof. Accordingly, Nepela does not anticipate those claims for the reasons described above with regard to claim 1. Applicant does not otherwise concede the correctness of the rejection of those claims.

In view of the foregoing, withdrawal of the §102 rejection is respectfully requested.

§103 REJECTIONS

Next at paragraph 4, claims 2-4, 7, 8, 10, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nepela. Applicant respectfully traverses this rejection for at least the following reasons.

First, as discussed above, Nepela fails to disclose every limitation of claim 1. Therefore, claims 2-4, 7, 8, 10, 19 and 20 are allowable for at least the reason they are dependent upon an allowable base claim. However, Applicant does not otherwise concede the correctness of the rejection of those claims.

Second, Nepela fails to suggest a "second distance is greater than 25% and less than 100% of the first distance," as required by claim 1, or a second distance that is at least 40%, 50% or 60% of the first distance, as required by claims 2-4, respectively. The Examiner contends that Nepela does not specify that the gap dimensions are limited to those of the exemplary embodiment. However, by the same token, Nepela fails to provide any disclosure or suggestion of gap dimensions that have a relationship different from the specific example of a central gap 14 of 0.2 microns and side gaps 16, 18 of 0.05 microns (25%). Not only does Nepela fail to disclose or suggest gaps having a relationship greater than 25% (which includes 40%, 50% and 60%), but also fails to disclose or suggest gaps having a relationship less than 100% but

greater than 25% (which includes 40%, 50% and 60%), as required by claim 1. Therefore, Nepela fails to disclose or suggest every limitation of claims 4-6.

Third, as to claims 7, 8, 10, 19, and 20, Nepela not only fails to disclose the specific range of widths for the top magnetic pole (0.3 microns to about 0.5 microns), the relationship between the gap distance of the middle section and the width of the magnetic pole (30%), a range of gap distances of the middle section (0.1 microns to about 0.15 microns), or the shape of the end portions of the top pole (concave and convex), but also fails to suggest an embodiment different from the example at col. 3, line 55 to col. 4, line 5.

Fourth, because of Nepela's lack of disclosure or suggestion of embodiments that cover the limitations of claims 2-4, 7, 8, 10, 19 and 20, *In re Aller* has no bearing on the subject of obviousness in this instance. Additionally, the facts of *In re Aller* can be distinguished from the present application.

In view of the foregoing, withdrawal of the rejection is respectfully requested.

Next at paragraph 5, claims 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nepela in view of Voegeli, U.S. 5,483,403. Applicant respectfully traverses this rejection. As discussed above, Nepela fails to disclose or suggest every limitation of claim 1. Voegeli fails to remedy the deficiencies of Nepela as it relates to claim 1. Therefore, claims 15-17 are allowable for at least the reason they are dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

Finally at paragraph 6, claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nepela in view of Mino et al., U.S. 6,169,642. Applicant respectfully traverses this rejection. As discussed above, Nepela fails to disclose or suggest every limitation of claim 1. Mino fails to remedy the deficiencies of Nepela as it relates to claim 1. Therefore, claim 21 is allowable for at least the reason it is dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

CONCLUSION

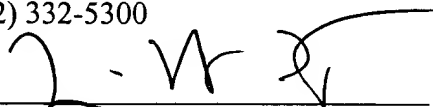
In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicant's attorney below at 612.336.4775.

Respectfully submitted,

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